

Remarks/Arguments:

The above Amendments and these Remarks are in reply to the Office Action mailed December 20, 2006.

Claims 1-129 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-129. The present Response amends claims 19, 29, and 96, leaving for the Examiner's present consideration claims 1-129. Reconsideration of the rejections is requested.

Claims 1-8, 10-17, 39-41, 43-50, 52-55, 57-64, 66-94, 106-108, 110-117 and 119-129, are rejected under 35 U.S.C. §103(a) as being unpatentable over Aldis et al., U.S. Patent Application Publication No. 2004/0039916 in view of Ross et al., U.S. Patent No. 5,553,143.

Claims 9, 18, 51, 65, 95, and 118 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aldis et al., U.S. Patent Application Publication No. 2004/0039916 in view of Ross et al., U.S. Patent No. 5,553,143 as applied to claims 1, 10, 39, 53, 67, 77, 87, and 106 above, and further in view of Horstmann, U.S. Patent No. 6,009,401.

Claims 19-28, 29-38, and 96-105 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aldis et al., U.S. Patent Application Publication No. 2004/0039916 in view of Horstmann, U.S. Patent No. 6,009,401.

Claims 42, 56, and 109 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aldis et al., U.S. Patent Application Publication No. 2004/0039916 in view of Ross et al., U.S. Patent No. 5,553,143 as applied to claims 39, 53, and 106 above, and further in view of Biddle, U.S. Patent Application Publication No. 2002/0107809.

Claims 1, 10, and 87 read as follows:

1. A method comprising:

maintaining digital records of software licenses, the digital records indicating rights associated with software licenses; and

under the control of a software user, upgrading or downgrading the software version for multiple software licenses in a batch mode, an indication of the upgrade or downgrade being stored in the digital record wherein the multiple software licenses are individually selectable by the software user.

10. A license management system comprising:
a memory adapted to maintain digital records of a software licenses, the digital record indicating rights associated with software licenses; and
a processor adapted to allow the upgrading or downgrading the software version for multiple software licenses in a batch mode under the control of a software user, an indication of the upgrade or downgrade being stored in the digital record such that the digital record can be used to determine whether a software version is authorized by a software license wherein the multiple software licenses are individually selectable by the software user.

87. A computer readable media comprising software to instruct a computer to do the steps of:

maintaining digital records of software licenses, the digital records indicating rights associated with software licenses;
under the control of a software user, upgrading or downgrading the software version for multiple software licenses in a batch mode, an indication of the upgrade or downgrade being stored in the digital record wherein the multiple software licenses are individually selectable by the software user.

Aldis et al. describes combining multiple licenses into a license pack. Ross describes “upgrade licenses” in Column 6, line 20 to Column 8, line 21. The “upgrade license” of Ross can be used to upgrade an existing license. The “upgrade licenses” are created in batches but, in Ross, there does not appear to be any indication of the actual upgrading of the existing licenses done in a batch. For this reason, the combination of the cited references does not show, suggest, or give a motivation for individually selectable licenses that can be upgraded or downgraded in a batch.

Claims 2-9, 11-18 and 88-95 are dependent upon claims 1, 10 and 87 and for that reason and because of the additional limitations of these claims, these claims are believed to be allowable.

Claims 19, 29, and 96 as amended read as follows:

19. A method comprising:
 - maintaining digital records of software licenses, the digital records indicating rights associated with software licenses;
 - under the control of a software user, upgrading or downgrading the software version for a software license, the upgrade or downgrade selected from a list of possible upgrades or downgrades, the list including an intermediate version wherein the user can select an upgrade or downgrade that skips the intermediate version.
 29. A license management system comprising:
 - a memory adapted to maintain digital records of a software licenses, the digital record indicating rights associated with a software licenses; and
 - a processor adapted to allow the upgrading or downgrading the software version for a software license, the upgrade or downgrade selected from a list of possible upgrades or downgrades, the list including an intermediate version wherein the user can select an upgrade or downgrade that skips the intermediate version.
96. A computer readable media comprising software to instruct a computer to do the steps of:
- maintaining digital records of software licenses, the digital records indicating rights associated with a software licenses;
 - under the control of a software user, upgrading or downgrading the software version for a software license, the upgrade or downgrade selected from a list of possible upgrades or downgrades, the list including an intermediate version wherein the user can select an upgrade or downgrade that skips the intermediate version.

These claims as amended state that the list of possible upgrades includes an intermediate version and that the user can select an upgrade that skips the intermediate version.

This is not shown, suggested, or given a motivation for in any of the prior art.

Claims 20-28, 30-38 and 97-105 are dependent upon claims 19, 29 and 96 and for that reason and because of the additional limitations of these claims, these claims are believed to be allowable.

Claims 39, 53 and 106 read as follows:

39. A method comprising:

- under the control of a software user, selecting a software license;
- automatically, obtaining a list of appropriate product versions for upgrade or downgrade of the software license;
- providing to the software user the list of appropriate product versions;
- under the control of the software user, selecting one of the appropriate product versions for upgrading or downgrading the software version ; and
- automatically storing an indication of the upgrade or downgrade in a digital record.

53. A license management system comprising:

- a memory adapted to maintain a digital record of a software license; and
- a processor adapted to obtain a list of appropriate product versions for upgrade or downgrade of the software license and to provide to a software user the list of appropriate product versions, in response to the user selection of one of the appropriate product versions, the processor is adapted to store an indication of the upgrade or downgrade in the digital record.

106. A computer readable media comprising software to instruct a computer to do the steps of:

- under the control of a software user, selecting a software license;
- automatically, obtaining a list of appropriate product versions for upgrade or downgrade of the software license;
- providing to the software user the list of appropriate product versions;
- under the control of the software user, selecting one of the appropriate product versions for upgrading or downgrading the software version ; and
- automatically, storing an indication of the upgrade or downgrade in a digital record.

None of the cited prior art discloses or suggests the claimed steps of selecting a license, obtaining a list of appropriate product versions for upgrade or downgrade of the license and selecting an appropriate product version. Aldis describes the user selecting licenses of different varieties but does not describe the upgrade or downgrade of an existing license where the upgrade or downgrade is selected from a list. The prior art alone or in combination does not suggest such a system. For this reason, these claims are believed to be allowable.

Claims 40-52, 54-66 and 107-119 are dependent upon claims 39, 53 and 106 and for that reason and because of the additional limitations of these claims, these claims are believed to be allowable.

Claims 67, 77 and 120 read as follows:

67. A method comprising:

maintaining digital records of a software license, the digital records indicating rights associated with software license;

under the control of a software user, downgrading the software version for the software license, an indication of the downgrade being stored in the digital record.

77. A license management system comprising:

a memory adapted to maintain a digital record of a software license, the digital record indicating rights associated with a software license; and

a processor adapted to allow the downgrading the software version for the software license under the control of a software user, an indication of the downgrade being stored in the digital record such that the digital record can be used to determine whether a software version is authorized by a software license.

120. A computer readable media comprising software to instruct a computer to do the steps of:

maintaining digital records of a software license, the digital records indicating rights associated with software license;

under the control of a software user, downgrading the software version for the software license, an indication of the downgrade being stored in the digital record.

The prior art does not describe or suggest downgrading a software license. In particular, Horstmann U.S. Patent No. 6,009,401 does not describe downgrading a license. In Horstmann, a user can transfer a license from one computer to another by downloading an “old version” from a central server. There is no “downgrading” involved. The same, albeit old, version of software is used on both the old and new computers.

Claims 68-76, 78-86 and 121-129 are dependent upon claims 67, 77 and 120 and for that reason and because of the additional limitations of these claims, these claims are believed to be allowable.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in

expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: April 3, 2007

By: /Joseph P. O'Malley/
Joseph P. O'Malley
Reg. No. 36,226

FLIESLER MEYER LLP
650 California Street, 14th Floor
San Francisco, California 94108
Telephone: (415) 362-3800